IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF OKLAHOMA

STEPHEN MULLICAN AND)
KELLEY MULLICAN,)
Plaintiffs,)
v.) Case No. CIV-23-160-G
STATE FARM FIRE AND CASUALTY COMPANY,)))
Defendant.)

UNOPPOSED MOTION FOR EXTENSION OF DEFENDANT'S DEADLINE TO FILE *DAUBERT* MOTION AS TO ONE EXPERT WITNESS

Defendant State Farm Fire and Casualty Company requests that the Court extend the deadline for it to file a *Daubert* motion, if any such motion is filed, as to Mr. Duane Smith by one week—from March 1, 2024, to March 8, 2024. In support, Defendant states as follows:

- 1. The current Scheduling Order [ECF No. 25] was entered in this case on November 29, 2023. Currently, the deadline for Defendant to file any *Daubert* motions is March 1, 2024.
- 2. The parties are nearing the conclusion of their discovery efforts. In furtherance of that, Defendant's counsel began requesting a date for the deposition of Plaintiffs' expert witness, Duane Smith, in early January. A deposition date for Mr. Smith was arranged by agreement, but Mr. Smith since has been ill, necessitating rescheduling of his deposition for February 26, 2024.
 - 3. Defendant's counsel fear that they will not have sufficient time to prepare a

Daubert motion regarding Mr. Smith, if such a motion is proper, in the four days following his deposition. Accordingly, Defendant seeks an extension of time only with regard to any Daubert motion to be filed regarding Mr. Smith. Defendant is not requesting an extended deadline to file its dispositive motion or to file Daubert motions regarding any other expert witnesses identified by Plaintiffs.

- 4. One prior extension of time—for the then-unexpired deadlines in the Scheduling Order—was granted by the Court. *See* ECF Nos. 22, 25.
- 5. This request for extension of time is sought in good faith and is not intended to delay, but rather to allow Defendant time to assess whether to file a *Daubert* motion with regard to Mr. Smith and to prepare the same, if necessary, following his re-scheduled deposition.
- 6. Defendant has communicated with Plaintiffs' counsel and Plaintiffs have no objection to this request.
- 7. A proposed Order granting the requested extension of time is being contemporaneously submitted to the Court.

Respectfully submitted,

s/ Andrew J. Morris

Andrew J. Morris, OBA #31658
Peyton S. Howell, OBA #33917
McAfee & Taft, a Professional Corporation
8th Floor, Two Leadership Square
211 North Robinson
Oklahoma City, OK 73102
Telephone: (405) 235-9621
Facsimile: (405) 235-0439
andrew.morris@mcafeetaft.com
peyton.howell@mcafeetaft.com

Attorneys for Defendant State Farm Fire and Casualty Company